

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,

Plaintiff,

v.

MASABI LTD.,

Defendant.

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Case No. 2:16-CV-00543-JRG-RSP

JUDGMENT

Before the Court is the Report & Recommendation [Dkt. No. 146] by Magistrate Judge Payne, which recommends that Defendant Masabi Ltd.'s Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 8,494,967 and 9,239,993 [Dkt. No. 113] be granted under 35 U.S.C. § 101 and denied as moot as to Defendant's contentions of invalidity on other grounds. Having reviewed the matter *de novo* the Court concludes that Plaintiff's objections lack merit and Magistrate Judge Payne's Report & Recommendation is correct. Accordingly,

IT IS ORDERED AND ADJUDGED that Masabi Ltd.'s Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 8,494,967 and 9,239,993 [Dkt. No. 113] is GRANTED under 35 U.S.C. § 101 and this action is DISMISSED WITH PREJUDICE.

So ORDERED and SIGNED this 7th day of February, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE